

*On August 7, 2008, the United States Court of Appeals for the Seventh Circuit rendered a decision in Patrick L. Baude, et al v. David L. Heath, Chairman of the Indiana Alcohol & Tobacco Commission. In that decision, the court verified the validity of an Indiana law that requires the holder of a direct wine seller permit to confirm a purchaser's age and identity "in one (1) initial face-to-face transaction at the seller's place of business..." Ind. Code § 7.1-3-26-6(4). In light of the court's decision, the Indiana Alcohol & Tobacco Commission shall begin law enforcement initiatives designed to enforce this law. Failure to comply may result in penalties including but not limited to revocation of the direct wine seller's permit.*

### **IC 7.1-3-26-6**

#### **Consumer qualifications**

Sec. 6. A seller may sell and ship wine directly only to a consumer who meets all of the following requirements:

- (1) The consumer is at least twenty-one (21) years of age.
  - (2) The consumer has an Indiana address.
  - (3) The consumer intends to use wine purchased under this chapter for personal use only and not for resale or other commercial purposes.
  - (4) Except as provided in subdivision (5), the consumer has provided to the seller in one (1) initial face-to-face transaction at the seller's place of business appearing on the seller's application for a direct wine seller's permit or any locations authorized by IC 7.1-3-12-5 all the following:
    - (A) Name, telephone number, Indiana address, or consumer's Indiana business address.
    - (B) Proof of age by a state issued driver's license or state issued identification card showing the consumer to be at least twenty-one (21) years of age.
    - (C) A verified statement, made under penalties for perjury, that the consumer satisfies the requirements of subdivisions (1) through (3).
  - (5) If:
    - (A) before April 1, 2006, the consumer has engaged in a transaction with a seller in which the seller sold wine to the consumer and, after April 1, 2006, but before December 31, 2006, the consumer provides the seller with a verified statement, made under penalties for perjury, that the consumer is at least twenty-one (21) years of age; and
    - (B) the seller provides the name and Indiana address of the consumer to the commission before January 15, 2007;the seller may sell directly to the consumer in accordance with this chapter.
- As added by P.L.165-2006, SEC.34.*